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March 1, 2022

Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Valelly v. Merrill Lynch, Pierce, Fenner & Smith Incorporated,  
Case No. 1:19-cv-07998 (VEC)**

Dear Judge Caproni:

Plaintiff Sarah Valelly and defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated jointly file this letter motion requesting permission to address the potential redaction and/or sealing of confidential information in accordance with the dates and procedures identified below, which are intended to supplement Rule 5(B) of the Court's Individual Practices in Civil Cases.

Plaintiff's opening papers in support of her motion for class certification are due this upcoming Friday, March 4, 2022 (Dkt. 80). Plaintiff expects that these papers will be referencing numerous materials that defendant and Bank of America, N.A. (also represented by defense counsel) have designated as confidential or highly confidential under the governing protective order. Section 5 of Your Honor's Individual Practices in Civil Cases provides that "[i]f a request to file a redacted document is based on another party's designation of information as confidential, the parties shall confer and jointly submit the request to file the material in redacted form."

To minimize the number of court filings and disputes regarding confidentiality that the Court will need to resolve, and to ensure that defense counsel make informed proposals as to confidentiality after reviewing plaintiff's opening papers, rather than in a vacuum, the parties propose as follows:

- Plaintiff will serve defense counsel, by email, her opening papers on March 4, 2022, but will not file them contemporaneously on ECF.
- The parties will meet and confer within two business days after service to discuss the need to seal or redact exhibits and/or portions of the briefing.

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- On March 11, 2022, plaintiff will file, on ECF, her opening papers under seal, pursuant to Rule 5B.ii of Your Honor's Individual Rules, as well as a joint letter motion pursuant to Rule 5B.iii of Your Honor's Individual Rules reflecting the parties' respective positions on whether the material should be sealed or redacted.

The parties thank the Court for its attention to this matter.

Respectfully submitted,

**WOLF POPPER LLP**

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*Attorneys for Defendant Merrill Lynch,  
Pierce, Fenner & Smith Incorporated*

cc: All counsel of record (via ECF)

Application GRANTED.

SO ORDERED.



3/2/2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE